

**MINUTES  
INLAND WETLANDS AND WATERCOURSES COMMISSION  
NOVEMBER 10, 2008**

**MEMBERS PRESENT:** Richard Girouard, Chairman  
John Doris  
Arlyne Fox  
John Lauria  
Andrew Lubin  
David Lucas

**ALSO PRESENT:** Stephen Savarese, PE, LS Town Engineer  
Daniel F. Schopick, Town of Trumbull Attorney

The Chair convened the meeting at 7:48 p.m.

Mrs. Fox led the Commission in the Pledge of Allegiance.

Mr. Doris read the public hearing notice.

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT the Inland Wetlands and Watercourses Commission of the Town of Trumbull will hold a Public Hearing on Monday, November 10, 2008, at 7:30 p.m. in the Trumbull Town Hall Courtroom, 5866 Main Street, Trumbull, CT, on the following applications:

Application 08-24 – Hidden Pond Development LLC, c/o David Wolkoff. Permit approval of an 8 lot subdivision with 917 linear feet of new roadway connected to Hidden Pond Lane; filling of 4 small wetland areas; construct 0.11+/- acres of wetlands in a regulated area on Booth Hill Road.

Application 08-27 – Scott Molnar c/o Raymond Rizio. Permit approval to modify existing conservation easement to permit sloping of the property in a regulated area at 127 Aspen Lane.

A copy of the applications and maps are on file for public inspection in the Town Engineer's Office, Town Hall, Trumbull, CT.

**Public Hearing:**

The Chair opened the public hearing at 7:50 p.m.

**Application 08-24 – Hidden Pond Development LLC, c/o David Wolkoff.** Permit approval of an 8 lot subdivision with 918 linear feet of new roadway connected to Hidden Pond Lane; filling of 4 small wetland areas; construct 0.11+/- acres of wetlands in a regulated area on Booth Hill Road. Attorney Raymond Rizio was present for the applicant and submitted certificates of mailings. He stated this is a 12 acre parcel that connects between Hidden Pond Lane and it was developed as a temporary cul-de-sac 10 or 12 years ago with houses that can only be accessed through Shelton. He submitted copies of Subdivision Regulations Chapter V, Section 4 regarding requirements and lengths (750 feet) for dead end streets and cul-de-sac streets and copies of Nicoli v. Easton Planning and Zoning regarding access through adjacent Towns. He gave a short history of the property and introduced and referred to letters from Robert Sojka and Gregory J. Pepin. Mr. Rizio indicated he has also had feedback from the Hidden Pond Lane Association regarding the cul-de-sac and a through road. The old farm road on the site will be utilized and will limit disturbance and the sewer line will connect to the sewer main on Strobel and Booth Hill Roads and this will resolve septic sewer problems.

This site will be developed as a planned residential conservation zone which will limit the impact on the wetlands. Due to this the lots can be reduced and at least 20 percent of the property has to be open space. This plan also

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allows the road to be 30 feet instead of 50 feet and the road will not be maintained by the Town - it will be private, 24 feet wide with a cul-de-sac and a fence with a lock for emergency vehicles. He stated that the Town has had on its books for the last 10 or 15 years that this road would be connected and the current cul-de-sac was always temporary until the road could be connected.

He spoke about clear cutting restrictions that will be on every lot, wetland pockets, wetland buffers, a boxed culvert over the wetland area by a driveway, and the types of homes that will be on the site. They will be creating open space, creating additional wetlands and cleaning up the property.

Commissioner Lauria questioned the 750 foot regulation and Mr. Rizio stated that on the subdivision map for Hidden Pond Lane it was designated as a temporary cul-de-sac.

Dave Bjorklund, professional engineer, president of Spath-Bjorklund Associates in Monroe was present for the applicant. He gave a short history of the property and stated Hidden Pond was developed in '94 and it was decided to bring the road out to Booth Hill at that time. He stated they are proposing an 8 lot subdivision in a double A zone as a planned residential conservation zone with smaller lot sizes and larger open spaces and the new plan will have 9.6 acres of open space. The original plans were reviewed by the Town's consultant, Matt Popp, and changes were made to the plan after his review and the site walk. Some of the changes are: on lot 8 the house has been relocated and moved forward to get it out of the flood plane, moved the top soil pile from the rear to the front; modified mitigation areas; eliminated some planting areas; excavating prior fill from a wetland area so that it can restore itself; reduction and relocation of bio-filter; and relocation of stock piles.

Commissioner Lauria requested that Mr. Bjorklund address each issue in a memo to combine all the plans, reports, and presentations. Mr. Bjorklund stated they will submit memos tonight that respond to Mr. Popp's latest review from Megan Raymond of William Kenney Associates addressing ecological aspects and engineering aspects together with responses to the Southwest Regional report are addressed by Spath-Bjorklund.

Commissioner Fox posed questions regarding 2 wetlands that were previously filled and if the soil scientists have reached a consensus – there were discussions regarding both issues.

Commissioner Doris questioned the limits of disturbance on either side of Cross Stream Road – there was discussion regarding trees, rain gardens, sewers, and replanting in that area.

Mr. Bjorklund stated that the original subdivision layout was approved in 1994 with 4 lots in Trumbull and the remainder of the subdivision in Shelton. He again addressed the issue of the temporary easement for the cul-de-sac and the connection out to Booth Hill Road and submitted documentation for the record. There was further discussion between Commissioner Lauria and Attorney Rizio. Mr. Rizio also stated that they will be bringing in the sewer line for the houses already on Hidden Pond. Mr. Bjorklund stated the original subdivision and what was required for it is the reason for the present layout. He stated fire department and emergency vehicles would have a shorter distance to travel with the new road and this private road would have a gate with a key for emergency vehicles. The only way to get from the cul-de-sac to Booth Hill Road involves wetland impacts. He also described the site as it is now and how it has been changed and used and abused over the years. The existing farm road area will have about 30 feet of direct wetland impact and another isolated wetland, south of Lot 7, will have direct impact. They have an easement in place for the sewer installation.

Mr. Bjorklund described the stormwater management plan, water quality treatment, and rain gardens that are outlined in the Engineering Report. He described water flows, what happens down stream and the Booth Hill culvert.

He submitted a document "clarification of a portion of graphic 'Figure 1' appearing in engineering report dated July 22, 2008" for the record regarding wetland disturbance and he detailed the limits of disturbance and the phasing plans.

Phase 1 = road, utility installation and wetland mitigation; Phase 2 = development of lots 4, 5, & 6; Phase 3 = lots 7 & 8; Phase 4 = lot 3; Phase 5 = lots 1 & 2 and each area will be stabilized before beginning the next phase. He discussed the differences between this Plan, Alternate 1 and Alternate 2 - Alternate 1 an 8 lot subdivision with 1

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acre zone regulations and Alternate 2 a 9 lot subdivision that conforms to the PRCZ regulations and he also discussed other additional alternatives on the site including the box culvert over the wetlands. He also stated Southwest Conservations District's comments have been addressed with this Plan. Attorney Rizio passed out a picture of a lot and driveway crossing similar to lot 3 on this site.

Commissioner Fox questioned how the rain gardens would be protected and Mr. Bjorklund indicated that it would be defined in the transfer of the property and Mr. Savarese explained how that is done. Commissioner Fox questioned what happens down stream and how it will be monitored. Mr. Bjorklund indicated that their responses to Matt Popp's report and Southwest Conservation District's Review have been submitted.

Megan Raymond, a soil scientist and wetland ecologist and senior ecologist at William Kenney Associates was present and stated they were retained by the applicant to demarcate the inland wetland and watercourses on the property, assist with the mitigation planting plan and prepare an ecological assessment report. The 2.9 acres of wetlands are in the eastern, southern, and northern parts of the property and she described the wetland areas. The stream discharges to the west, crosses beneath Booth Hill Road and then flows southwest to Pinewood Lake then drains to Twin Brooks.

The site is heavily disturbed and there were differences in interpretation of the wetland lines – Otto Theall, the Town's consultant, went out and reviewed the lines and made alterations and they agreed on the line. She does not believe the area between flags 586-589 is a swamp as suggested by Matt Popp of Environmental Land Solutions. There is a three prong evaluation for wetland impact: 1) avoid; 2) minimize impact; 3) mitigate appropriately. Wetland impact is about 4,700 square feet and a 7,700 square foot compensatory wetland area will be created in the northwestern portion of the site in the flood plane area and she described how this would be done and how the area would be stabilized.

She evaluated the project for cumulative impacts of wetlands over time and developed bio-filtration buffer basins or rain gardens that will be within the limits of disturbance and are enhancement features. They will be depressions that are about 6 to 12 inches deep and planted with native vegetation and will interface between the upland and wetland portions of the site. She stated with the mitigation features and the appropriately maintained and designed erosion and sedimentation controls the overall site plan should not have an adverse impact or effect on the wetlands.

Questions were directed to Ms. Raymond regarding mitigation areas and protection for these areas.

Attorney Rizio – read and submitted letters for the record from property owners Greg Pepin who owns property next to lot #4 and Robert Sojka who owns property at 36 Hidden Pond Lane. Mr. Rizio summarized the project and the presentation.

Town of Trumbull's consultant, Matthew Popp, landscape architect, professional wetland scientist, partner in Environmental Land Solutions, 15 year member of Greenwich Inland/Wetlands Agency, City of Bridgeport Wetland Consultant since 1995, Board of Audubon Greenwich for 9 years - discussed existing and proposed conditions and highlighted his review dated October 2, 2008 and revised November 3, 2008. He referred to page 3 under "Discussion" A) wetland impacts and suggested impact for lot 3 could be avoided; B) sewer pipe crossing of the brook; C) swamp area/watercourse by flags 587-588; D) suggests reduction in size of the bio-basins; E) roadway breaches; F) dry wells; G) revise rain garden detail; H) the wetland creation system could be relocated somewhere else on the site – maybe northeast of wetland flag 573 – and will pick up roof drains from lots 1 and 2. There was discussion regarding the biofilter by lot 3 suggesting it might be better to leave that buffer area undisturbed and move it away from that area. I) he questioned sump pumps and basements; J) rain gardens should be revised; K) wetland fill area was addressed by Megan; L) planning concerns regarding open space and maintaining the wetland creation area; M) landscape plan; N) driveways seem undersized not much space for parking – should driveways be increased in size and is detention basin sized properly.

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His recommendations – 1) avoid wetland impacts if feasible – the main impact that could be avoided is lot 3; 2) minimize disturbance within wetland buffer; 3) relocate wetland creation; 4) lot 1 revise lot layout, lot 4 relocate bio-basin, Lots 5 & 6 – make 5 smaller and 6 bigger, lot 8 onsite detention; 5) minimize lawn areas; 6) show swamp area on the plan.

Steve Savarese addressed questions and comments on the 4 wetland impacts to Matt Popp:

Impact #1 – Booth Hill Road to Hidden Pond – initial crossing of the road – he has no problem with it;

Impact #2 – lot 3 – is it prudent and feasible are the impacts worth the gain of the house – agrees with open boxed culvert as an alternate; there is some impact to the function of the wetland in this area;

Impact #3 – isolated body of wetlands – does not think this is a watercourse – if the road could be pushed to the east to minimize that disturbance it would benefit the project;

Impact #4 – by lot 4 and is very tight – this can not be avoided.

He also commented on the removal of tree canopy by lot 3 – bio-basin is on the south side of the wetland and if canopy is taken down it will allow light to penetrate the wetland system and heat the water.

Mr. Savarese asked Mr. Popp if this type of development would have an impact on the function of the wetlands.

Mr. Popp indicated there is a possibility of thermo-pollution and with grading that close you're likely to have erosion impacts and sedimentation within the wetlands.

Town of Trumbull's consultant, Otto Theall, a professional soil scientist stated he did wetlands evaluation of the property and did his own delineation in May, 2008. In July he went to the site with Megan Raymond and another soil scientist to resolve delineation differences. They came to a unified line and agreed on the wetland boundary. He referred to his report dated October 7, 2008 as to why soil scientists come up with different wetland delineations and stated that they all agreed on the line that is on the map. He discussed areas on the site with the Commissioners and believes the area by lot 2 is a drainage swale and not a watercourse because it does not have the criteria to be a watercourse.

Megan Raymond – Steve Savarese addressed questions to her regarding impact to the wetlands that he previously asked Matt Popp:

#1 – Booth Hill to Hidden Pond – the road crossing - it has been appropriately designed to minimize impact and it is practical – there will be mitigation - it is necessary for the access.

#2 – by lot 3 – there is a small amount of direct impact 1400 square feet – there will still be wetland functions – still be able to convey water beneath it, have ground water recharge/discharge capacity, still have some vegetation.

Steve Savarese wanted to know if the other 2 proposed areas of direct impact impair the function of the wetlands.

Megan Raymond stated the tip of the disturbed isolated area that is a fill area with saplings and shrubs will be lost. She would sacrifice this small tip for the road to be able to keep the higher quality wetlands.

She also indicated they will have no problem with moving the compensatory wetland area as suggested by Matt Popp. The wetland they are creating is in an area that was disturbed because you do not want to disturb the undisturbed to create wetland and the area where they would put it is being disturbed any way. There was further discussion regarding locations for the compensation wetland.

She commented on Mr. Popp's statement regarding the removal of the tree canopy – she agrees with the concept but on this site the majority is within the wetland boundary – it has very limited forest or woodland areas – but she does agree with him and the design plan minimizes the direct impact - maybe changes can be made by lot 3.

Regarding the watercourse area by lot 2 flags 581 and 582 – she stated for a wetland to be delineated it is based on soil, and you need to have poor drainage and at this location that is not present. For it to be classified as an intermittent watercourse it has to have a defined permanent channel bank and two of the following: evidence of scour or deposits of recent alluvium, the presence of standing or flowing water longer than a particular storm

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incident, the presence of vegetation – this area does not have two of the physical characteristics. She states this is runoff from the adjacent property upgrade of the site.

The Commission wanted to know if the road could be moved a little – Dave Bjorklund explained they decided to fill an isolated pocket wetland that is not connected hydrologically to anything else instead of moving the road over and filling a higher quality wetland.

Ms. Raymond was asked to comment on Mr. Popp's suggestion to reduce the disturbance size of the rain gardens – she indicated some areas could be reevaluated and/or modified and they are enhancement features and improvements and they could be shifted or moved a little.

Discussion took place about keeping the public hearing open and continuing it until next month's meeting. .

The Chairman called a recess at 10:45 p.m.

The meeting resumed at 10:55 p.m.

The Chairman asked if anyone from the public wished to speak.

Robert Sisson, 98 Old Dike Road. He is president of Pinewood Lake Association and submitted a letter dated November 10, 2008 for the record. He highlighted some issues and points from his letter and he wanted to confirm they would be able to speak in more detail next month. Some of the issues he highlighted were: runoff, chemicals and nutrients flowing into the lake, erosion, sedimentation, filling in of the flood plane and regulating the flow of Pinewood Lake.

William Pisani, 155 Pinewood Trail, down stream from the proposed development. His major concern is flooding and he commented on the statement that was made regarding the 100 year flood flow. He stated this is a natural flood retention basin and a critical environmental site because it is a flood plane. He requested the developer come in with a hydrological study showing what is the present retention capacity of the flood plane and what is the future retention capacity after they put in the fill. He suggested that an overflow retention basin be put in to protect the people downstream and cut back on the amount of houses being built on the site.

Steven Ieronimo, 249 Pinewood Trail. Questioned what the emergency people want – would they rather have a one mile drive or get out of the vehicle to unlock a gate. He also commented on homeowners filling in areas in their yards.

Bobbi Logan, 26 West Lake Road. Stated downstream at Pinewood Lake there is erosion and flooding going on now. She suggested maybe another valve should be added by Beaches Pool to be used with the very old valve at Pinewood Lake.

Jim McNamara, 266 Pinewood Trail, corner of Storbel Road. His house is the last house on the right side going towards Booth Hill Road. He described the area houses and the culvert that goes under the road. His property is about 350 feet down the road and the stream is in the middle of his property. When he first moved there 40 years ago there was a 6-8 foot stonewall you could walk across – now there is a 25 foot by 42 inch bridge. He had to put a wall in on the side because the stream of water comes down under the bridge and is so high that the wall is coming down. The water is washing away everything. You can't stand in the stream any more because the water is past your waist. Because he is the first house downstream he is getting hit with everything. Even the wildlife in the area has changed.

Louise Mulloy, 23 Wood Hill Road. Very concerned about the spill-off and runoff into the wetlands and worried about Pine Wood Lake. She is in opposition of this development.

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Craig Entwistle, 621 Booth Hill Road. He lives by the northeast corner. He stated he takes exception to the comments regarding the emergency services not being able to perform their functions if the road is not extended through and gave an example of getting to Hidden Pond Road about 3 years ago for a fire. He stated the area does not need another road to add to the congestion.

Richard Fenyes, 607 Booth Hill Road. His parents were the previous owners of the subject property and he believes this is not what his mother wanted – she wanted it sold to the Town or left as open space. He said during heavy rain the pond in the northern part of the property covers the road. He said in the easterly part of the site during heavy rains the flows are tremendous and water runs over a road they built in that area. He also said the water flows onto this property from Shadowood Lane.

Nick Dimarco, 21 Shadowood Lane. The storm drain is at the end of the street and you can hear water running constantly even if it is not raining. There is about a 15-20 foot pitch behind them and the water spills out and you always hear the water even in the summer.

Dale Parsons, 248 Pinewood Trail is here as a property owner. He stated due to other previous approved projects on Booth Hill he has lost the vitality of his pond and over the past year his pond is constantly being flooded with silt and the fish have died. Protection has to be done if this development is approved for the residents downstream. He submitted pictures of his property and the pond. He believes this project goes overboard and the Commission should listen to the Town's consultants. He also commented on the junk that has been left on this site over the years and when it is removed the soil will be disturbed and the water will carry the soil and chemicals that are there into the ponds and lakes. He stated that the Commissioners should protect the health, safety and welfare of the citizen's of Trumbull.

Deb Lavalley, 21 MacDonald Road. She is opposed to it - she is upstream and wants to know what happens if the water backs up. She submitted pictures taken on March 19<sup>th</sup> of frog eggs at the base of trees behind lot 3. Another issue is the size of the homes to be built – they should be size appropriate for the site.

Joanne Parson, 248 Pinewood Trail. She wants looked into:

- 1) There are no buffers shown on the plan and wants Matt to explain buffers. No official buffer set back for the Town but there is a need to know what the appropriate buffer is for this site.
- 2) Prudent and feasible alternatives – the road is the main impact and it cuts right through the middle – it would be feasible not to put the road in and access the site from Hidden Pond instead. The road should not be put in so a property owner can get connected to the sewer. The cul-de-sac should not be the Commission's problem. Putting the road in does not avoid, minimize or mitigate the wetland impact and she wants the applicant to study how they can access the site through Hidden Pond Lane and Booth Hill Road.
- 3) Water quality of Pinewood Lake is a very important resource for the community and upland developments affect the water quality.

Lars Jorgensen – a member of the conservation commission stated his commission submitted a letter a few months ago and will have a commissioner speak at the next meeting.

Art Condron, 22 Shadowood Lane. Stated there are a number of people who want to speck extensively

The Chairman stated this matter will be continued until next month. The Commission is taking this application very seriously and this matter will be continued and everyone will have time.

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**Motion made (Lauria) seconded (Fox) To Continue Application 08-24 (Hidden Pond Development LLC) to the December 2, 2008 meeting. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

Application 08-27 – Scott Molnar c/o Raymond Rizio. Permit approval to modify existing conservation easement to permit sloping of the property in a regulated area at 127 Aspen Lane. Attorney Rizio was present for the applicant and submitted certificates of mailings. The applicant received a cease and desist order regarding a conservation easement on the property. He stated there was a mistake in the field as to where the conservation easement is located.

Alan Shepard from Nowakowski, O’Bymachow, Kane & Associates was present for the applicant and indicated they are working with Bill Kenney, a soil scientist, and he is waiting for his report.

He was asked to describe the 3 possible mitigation plans.

#1 – In the conservation area where the fill was put in - can be pulled back and construct a wall that will be 8 to 10 feet right along the back of the property. If they pull everything out there will be a 10 foot drop.

#2 – Building walls just around the inside of the conservation easement and taking the fill out of the wetland areas.

#3 – Leave the fill that was put in and straighten out the conservation easement - proposing modification of the conservation line and creating a wetland in an upland area.

Steve Savarese summarized the three options: Leave material in place and construct a 10 foot wall; Construct walls within the easement and remove fill; Alter the conservation easement for an equal area plan - leave the fill and create a new wetland area.

Commissioner Fox stated she wants this property to comply with the original site approval. Commissioner Lauria commented on the history of this site.

Attorney Rizio stated the applicant bought the property as an approved lot and where the conservation easement began and ended was not clear to him because there were no stakes or monuments.

Steve Savarese reminded the Commission that they have the authority to alter or break a conservation easement.

Attorney Shopick explained that the Town’s conservation easement document says there is to be no activity within the easement area without the permission of the Inland Wetlands and Watercourses Commission and he indicated the Commission has the authority to waive or change an easement if they needed to. This conservation easement is noted on the subdivision map but was not recorded. Commissioner Girouard questioned the setbacks. There was discussion regarding the footprint of the house - the footprint that was approved is smaller than what is on the site now. Mr. Rizio stated the footprint allowed construction and disturbance up to the conservation easement area with no restriction as to the size or location of the footprint. Attorney Shopick commented that the Town issued a building permit and certificate of occupancy. Mr. Shepard recapped the options and what they expect to get from their soil scientist.

Mr. Rizio stated they will get additional information from their soil scientist and requested a continuance to next month.

**Motion made (Fox) seconded (Lucas) To Continue Application 08-27 (Molnar) to the December 2, 2008 meeting. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Motion made (Fox) seconded (Lucas) to close the public hearing. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY - all present voting.**

The Chairman closed the Public Hearing at 12:07 a.m.

**New Business:**

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**08-33 – Milyo** – The Commission skipped this application at this time because the applicant was not present.

**08-34 – Kevin and Meredith Chamberlain.** Permit approval to construct in-ground pool, cabana, front porch, expand existing deck, terrace, fencing, masonry work, pave parking area, together with pertinent utilities and equipment in a regulated area at 43 Coral Drive. The applicant was present and submitted photos of his property showing what is currently on the property and what he is proposing. He stated there is a catch basin on Coral Drive with a pipe that runs through his neighbor's property. It is an intermittent watercourse and is only wet when it rains.

**Motion made (Fox) seconded (Doris), to RECEIVE Application 08-34. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Application 08-35 – Krzystof Zera.** Permit approval to construct dwelling and filling in a regulated area at 225 Booth Hill Road. Paul Bombero from Stephen C. Bombero Associates was present for the applicant. He stated this is the third meeting for an application on this site. Three years ago the Commission wanted to wait for sewers in the area. The last application was denied and the Commission wanted another alternate. Alternate B has the house pulled forward to 35 feet of the road and Alternate C has the house pulled forward and made smaller and the encroachment to the wetlands is reduced. The Commission had requested an impact study and it has been done. Mr. Bombero indicated the house is staked.

**Motion made (Fox) seconded (Lubin), to RECEIVE Application 08-35. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

**08-36 – Tashua Lane LLC/Agent for Ian and Debra Tetreault.** Permit approval of a two lot subdivision in a regulated area at 21 Tashua Lane. Attorney Raymond Rizio was present representing the applicant. It is for a new 2 lot subdivision on Tashua Lane. The nearest point of disturbance is 80 or 90 feet away. They want to tear down the existing house that is located in the regulated area and put in a lawn. They are taking an impervious surface tearing down a house and moving it further away from the outside of the regulated area. All the construction and the 2 new houses will be outside the regulated area.

**Motion made (Fox) seconded (Doris), to RECEIVE Application 08-36. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Application 08-33 – Raymond L. Milyo, Jr.** Permit approval to remove one large tree in a regulated area at 14 Rempsen Street. Steve Savarese presented the application for the applicant, Raymond L. Milyo, Jr. The applicant wants to remove a large tree within a regulated area and spread the wood chips into the woods.

**Motion made (Lucas) seconded (Doris), to RECEIVE Application 08-33. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Motion made (Lubin) seconded (Doris) to close new business. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

The Chairman closed new business at 12:25 a.m.

**Motion made (Lubin) seconded (Lucas) to APPROVE meeting minutes dated October 7, 2008. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

**Work Session:**

After discussion and review, the Commission took action as follows:

**Application 08-33 – Milyo.** Permit approval to remove one large tree in a regulated area at 14 Rempsen Street.



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Motion made (Lauria) seconded (Lucas), to **APPROVE** Application 08-33, subject to the General Conditions as established by the Commission. Discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

**08-34 – Chamberlain.** Permit approval to construct in-ground pool, cabana, front porch, expand existing deck, terrace, fencing, masonry work, pave parking area, together with pertinent utilities and equipment in a regulated area at 225 Booth Hill Road.

Motion made (Fox) seconded (Lubin), to **APPROVE** Application 08-34, subject to the General Conditions as established by the Commission. Discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

**08-35 – Zera.** Permit approval to construct dwelling and filling in a regulated area at 225 Booth Hill Road. The Commission will walk this site.

**08-36 – Tashua Lane LLC/Agent for Ian and Debra Tetreault.** Permit approval of a two lot subdivision in a regulated area at 21 Tashua Lane.

Motion made (Lauria) seconded (Doris) to **APPROVE** Application 08-36, subject to the General Conditions as established by the Commission. Discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

Steve Savarese recommended that application 08-35 be treated as a significant impact activity.

Motion made (Lauria) seconded (Doris) – Application 08-35 (Zera) be deemed a significant impact activity. Discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

Discussion took place regarding next year's meeting dates and what is required prior to the dates being recorded in the Town Clerk's Office.

The Commissioners want work copies of the Regulations sent to them prior to the next meeting.

**Field Inspection:**

The field inspection date was scheduled for Tuesday, November 18, 2008 on the following application:

**Application: #08-35.**

**Correspondence:**

No discussion on correspondence.

Motion made (Fox) seconded (Lucas) to adjourn at 12:35 a.m. No discussion. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY – all present voting.**

Respectfully submitted,

BY: \_\_\_\_\_  
Joyce Augustinsky, Clerk